

Before the  
Federal Communications Commission  
Washington, D.C. 20554

<b>In the Matter of</b>	)	
	)	
<b>AT&amp;T Communications of the Midwest, Inc. and AT&amp;T Communications of the Mountain States, Inc.,</b>	)	
	)	
<b>Complainants,</b>	)	<b>File No. EB-03-MD-020</b>
	)	
<b>v.</b>	)	
	)	
<b>Qwest Corporation,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

**Adopted: July 14, 2005**

**Released: July 15, 2005**

By the Chief, Market Disputes Resolution Division:

1. On December 13, 2003, AT&T Communications of the Midwest, Inc. and AT&T Communications of the Mountain States, Inc. (collectively "AT&T"), filed with this Commission a formal complaint<sup>1</sup> against Qwest Corporation ("Qwest") asserting that Qwest violated section 224 of the Communications Act of 1934, as amended,<sup>2</sup> and section 1.1409 of the Commission's rules<sup>3</sup> by charging excessive conduit rental rates.

2. On July 12, 2005, AT&T and Qwest filed a joint motion requesting that we dismiss the formal complaint in this proceeding with prejudice to dispose of all issues and controversies in the formal complaint.<sup>4</sup> We grant the parties' Joint Motion to Dismiss Formal Complaint With Prejudice. We find that dismissal is appropriate and will serve the public interest by eliminating the need for further litigation and the expenditure of the associated time and resources of the parties and the Commission, and will promote the private resolution of disputes.<sup>5</sup>

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<sup>1</sup> Formal Complaint, File No. EB-03-MD-020 (filed Dec. 17, 2003).

<sup>2</sup> 47 U.S.C. § 224.

<sup>3</sup> 47 C.F.R. § 1.1409.

<sup>4</sup> Joint Motion to Dismiss Formal Complaint With Prejudice, File No. EB-03-MD-020 (filed July 12, 2005) ("Joint Motion").

<sup>5</sup> See Joint Motion at 1.

3. ACCORDINGLY, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 224 of the Communications Act, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 224, sections 1.1401-1.1418 of the Commission's rules, 47 C.F.R. §§ 1.1401-1.1418, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the above-captioned complaint IS DISMISSED WITH PREJUDICE in its entirety and the proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr  
Chief, Market Disputes Resolution Division  
Enforcement Bureau